

State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

ORDER NO. R4-2010-XXXX  
Amending Order No. R4-2006-0085

NPDES NO. CA0055531

**WASTE DISCHARGE REQUIREMENTS  
CITY OF BURBANK  
(Burbank Water Reclamation Plant)**

The California Regional Water Quality Control Board, Los Angeles Region (hereafter Regional Board), finds:

**PURPOSE OF ORDER**

1. City of Burbank (hereinafter the City or Discharger) discharges tertiary-treated wastewater, from its Burbank Water Reclamation Plant (Burbank WRP) and cooling tower blowdown and boiler blowdown from its Burbank Steam Power Plant (Burbank SPP), to the Burbank Western Channel, tributary to Los Angeles River, waters of the United States. The discharge is regulated under waste discharge requirements contained in Order No. 98-052, adopted by this Regional Board on June 29, 1998, which superceded Order No. 96-050. Order No. 98-052 also serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0055531).
2. Order No. 98-052 has an expiration date of May 10, 2003. Section 122.6 of Title 40, Code of Federal Regulations (40 CFR) and Section 2235.4 of Title 23, California Code of Regulations (CCR), state that an expired permit continues in force until the effective date of a new permit, provided that the permittee has made a timely submittal of a complete application for a new permit. On September 28, 2001, the City filed an incomplete Report of Waste Discharge (ROWD) and applied to the Regional Water Quality Control Board (Regional Board) for reissuance of waste discharge requirements (WDRs) and a NPDES permit to discharge tertiary-treated wastewater, cooling tower blowdown, boiler blowdown water, stormwater, and demineralizer water. Therefore, the Discharger's permit has been administratively extended until the Regional Board acts on the new WDR and permit. On July 2, 2002, the City submitted a complete ROWD. On August 2005, the Discharger met with Regional Board staff and, through a presentation, provided updated information to assist in the permit renewal process. On November 22, 2005, the Regional Board received a letter from the City, dated November 8, 2005, transmitting additional information.



constituents (Table R2 of the accompanying Fact Sheet) using the Discharger's effluent data from their self monitoring reports. The effluent data for Non-priority pollutants is summarized in Table D2 of the accompanying Fact Sheet. The TSD RPA procedure compares the effluent data with the Basin Plan water quality objectives (WQOs) and other applicable criteria, and uses statistics to predict a receiving water concentration. Based on information submitted to the Regional Board by the Discharger, and using the TSD RPA procedure, the Regional Board has determined that there is a reasonable potential that the discharge will cause or contribute to an exceedance of the applicable criteria for: Nitrate plus Nitrite as Nitrogen, arsenic, bis(2-ethylhexyl)phthalate, total trihalomethanes and iron. During the settlement negotiations preceding the January 25, 2010 settlement agreement, a new reasonable potential analysis was conducted in February 2009, using available data that was representative of the treated effluent following the NDN upgrade and the ammonia add-back process change (Table R2r of the accompanying Fact Sheet). In response to comments received, the dataset was expanded to include data from 2009; spreadsheets in the accompanying Fact Sheet were revised; and an updated reasonable potential analysis was conducted on March 1, 2010, yielding similar results. Therefore, the Order contains numeric effluent limitations for Nitrate plus Nitrite as Nitrogen, bis(2-ethylhexyl)phthalate, and total trihalomethanes, as reasonable potential continues to exist for the discharge to cause or contribute to excursions above criteria for these constituents. Effluent limitations for arsenic and iron are removed in this order for constituents that no longer have reasonable potential, as required by State Board Order WQ 2003-0009.

- B. Using the method described in the SIP, the Regional Board has conducted Reasonable Potential Analyses (RPA) for priority pollutants using the discharger's effluent data contained in Table D1 and receiving water data contained in Table D3. The RPA compares the effluent data with water quality objectives in the Basin Plan and CTR.
1. **Reasonable Potential Determination** - The RPA (per the SIP) involves identifying the observed maximum pollutant concentration in the effluent (MEC) for each constituent based on the effluent concentration data. There are three tiers to determining reasonable potential. If any of the following three tiers is triggered, then reasonable potential exists:
    - a. For the first tier, the MEC is compared with the lowest applicable Water Quality Objective (WQO), which has been adjusted for pH, hardness and translator data, if appropriate. If the MEC is greater than the (adjusted) WQO, then there is reasonable potential for the constituent to cause or contribute to an excursion above the WQO and a water quality-based effluent limitation (WQBEL) is required. However, if the pollutant was not detected in any of the effluent samples and all of the reported detection

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treatment provided by the upgraded treatment units at the Burbank WRP. However, since the priority pollutants were not sampled that frequently in the previous monitoring and reporting program, there was no priority pollutant data for June and July in 2003. During the settlement negotiations preceding the January 25, 2010 settlement agreement, an updated RPA was conducted in February 2009, using available data that was representative of the treated effluent following the NDN upgrade and the ammonia add-back process change. Effluent monitoring data was collected between December 17, 2007 and December 3, 2008 (see Tables D1r, R1r and R2r). In response to comments received, the dataset was expanded to include data from 2009; spreadsheets in the accompanying Fact Sheet were revised; and an updated reasonable potential analysis was conducted on March 1, 2010, yielding similar results. Effluent limitations for Dibromochloromethane and Dichlorobromomethane are removed in this order for constituents that no longer have reasonable potential, as required by State Board Order WQ 2003-0009. Table R1 of the fact sheet summarizes the RPA, lists the constituents, and where available, the lowest, adjusted WQO, the MEC, the "Reasonable Potential" result, and the limitations from the previous permit.

- a. **Metals Water Quality Objective** - For metals, the lowest applicable Water Quality Objective (WQO) was expressed as total recoverable, and where applicable, adjusted for hardness. A spreadsheet (Table R3) was used to calculate the total recoverable CTR criteria. Hardness values from samples collected in the receiving water upstream of the discharge point are typically averaged and used to determine the appropriate CTR WQO for those hardness-dependent metals. However, since the hardness upstream was much higher than both the effluent hardness and the hardness downstream of the discharge, the downstream hardness was used instead of the upstream hardness, in order to protect the downstream beneficial uses. The average hardness values at (R2) were used to determine the appropriate CTR WQO for hardness-dependent metals. Individual harness values greater than 400 mg/L were capped at 400 prior to calculating the average hardness of 224 mg/L. This is consistent with the preamble to the CTR, contained in Federal Register Section E.f. *Hardness* (p.31692), 40 CFR Part 131.
- b. **Interim Monitoring Requirements** - In accordance with the SIP, the Regional Board may impose interim monitoring requirements upon the Discharger, so that the Discharger obtains adequate ambient, background water data for priority pollutants upstream of the discharge point as well as suitable effluent data. The Executive Officer directed the Discharger to begin an interim monitoring program for the duration of 18 months, beginning July 2001. The Discharger collected the eighteen required samples and reported the results quarterly to the Regional Board. The eighteen months worth of ambient (or receiving water) data

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*Amending the Water Quality Control Plan for the Los Angeles Region to Incorporate Language Authorizing Compliance Schedules in NPDES Permits*, which allows compliance schedules in NPDES permits for effluent limitations that implement new, revised or newly interpreted water quality standards, or for effluent limitations that implement TMDLs for new, revised or newly interpreted water quality standards. ~~The permit already contains an interim limit for the bis(2-ethylhexyl)phthalate CTR-based limit, so another interim limit for compliance with the Basin Plan-based effluent limit is not necessary. There is no need for an interim limit for iron, because the MEC was less than the final effluent limit.~~

57. The Discharger already has in place a source control and pollutant minimization approach through its existing pollutant minimization strategies and through the pretreatment program. The duration of interim requirements established in this Order was developed in coordination with Regional Board staff and the Discharger, and the proposed schedule is as short as practicable. The recommended compliance schedule is based on the maximum allowable compliance schedule.

#### **CEQA AND NOTIFICATION**

58. The action to adopt a NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code §21100, et. seq.) in accordance with California Water Code §13389.
59. The Regional Board has notified the Discharger and interested agencies and persons of its intent to renew waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.
60. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
61. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act, or amendments thereto, and is effective ~~50-3050 days (December 29, 2006)~~ May 1, 2010-May 21, 2010 from the date of its adoption because of significant public comment, in accordance with federal law, provided the Regional Administrator, USEPA has no objections.
62. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, P.O. Box 100, Sacramento, California, 95812, within 30 days of adoption of the Order.

**IT IS HEREBY ORDERED** that the City of Burbank, as owner and operator of the Burbank Water Reclamation Plant, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

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- H. This Order may be reopened and modified to revise the chronic toxicity effluent limitation, to the extent necessary, to be consistent with State Board precedential decisions, new policies, new laws, or new regulations.
- I. This Order may be reopened to modify final effluent limitations, if at the conclusion of necessary studies conducted by the Discharger, the Regional Board determines that dilution credits, attenuation factors, water effect ratios, or metal translators are warranted.
- J. This Order may be reopened and modified to revise the residual chlorine final effluent limitation, to the extent necessary, to be consistent with State Board's *Chlorine and Chlorine-Produced Oxidants Policy of California*, following the completion of the approval process of that document by OAL and USEPA.

VI. EXPIRATION DATE

This Order expires on October 10, 2011.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

VII. RESCISSION

Order No. 98-052, adopted by this Regional Board on June 29, 1998 ~~is hereby rescinded~~ was superseded upon the effective date of Order No. R4-2006-0085, except for enforcement purposes. ~~This rescission is dependent upon and relative to the issuance and enforceability of this Order. t~~ To the extent any provisions, limitations, or requirements set forth in this Order supercede analogous provisions, limitations, or requirements in Order No. 98-052, are stayed or deemed to be unenforceable, the relevant provisions, limitations, or requirements of Order No. 98-052 shall remain enforceable.

I, ~~Jonathan S. Bishop~~ Tracy J. Egoscue, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on ~~November 9, 2006~~ April 1, 2010.

~~Jonathan S. Bishop~~ Tracy J. Egoscue  
Executive Officer

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